

VWAVE.001CP2

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Frank R. Miele, et al. )  
App. No. : 09/815,982 )  
Filed : March 22, 2001 )  
For : **METHOD AND APPARATUS FOR** )  
**THE NONINVASIVE** )  
**ASSESSMENT OF** )  
**HEMODYNAMIC PARAMETERS** )  
**INCLUDING BLOOD VESSEL** )  
**LOCATION** )  
Examiner : Unknown )

**ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION**  
**AND**  
**REVOCATION AND POWER OF ATTORNEY**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventors to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

App. No. : 09/815,982  
Filed : March 22, 2001

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of GAZDZINSKI & ASSOCIATES, 3914 Murphy Canyon Road, Suite A232, San Diego, California 92123, Telephone (858) 505-1166, including Robert F. Gazdzinski, Registration Number 39,990, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Tensys Medical, Inc.

Dated: Aug. 29, 2001

By: Stuart L. Gallant  
Stuart L. Gallant

Title: President and Chief Operating Officer

Address: 5825 Oberlin Drive, Suite 100  
San Diego, CA 92121

ASSIGNMENT

WHEREAS, We, Frank R. Miele, a United States citizen, residing at 5425 Panoramic Lane, San Diego, California 92121, United States; Ronald Mucci, a United States citizen, residing at 106 Mill Street, Westwood, Massachusetts 02090, United States; and Gail D. Baura, a United States citizen, residing at ~~4547 Bermuda Avenue~~ <sup>1970 FRODO ST</sup>, San Diego, California 92107, United States, have invented certain new and useful improvements in a **METHOD AND APPARATUS FOR THE NONINVASIVE ASSESSMENT OF HEMODYNAMIC PARAMETERS INCLUDING BLOOD VESSEL LOCATION** for which we have filed an application for Letters Patent in the United States, Application No. 09/815,982, filed March 22, 2001;

AND WHEREAS, Tensys Medical, Inc. (hereinafter "ASSIGNEE"), a Delaware Corporation, with its principal place of business at 5825 Oberlin Drive, Suite 100, San Diego, California 92122, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 03 day of August 2000.2001

  
Frank R. Miele

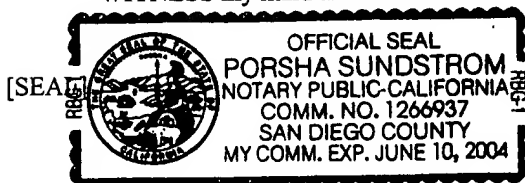
STATE OF California

COUNTY OF San Diego

ss.

On August 03, 2001, before me, FRANK R. Miele, personally appeared Frank R. Miele personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



  
Notary Signature

COPY

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 2nd day of July 2001.

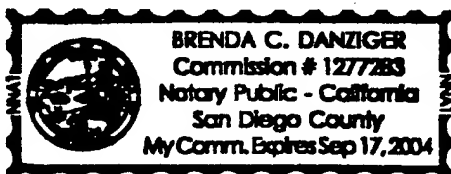
Ronald Mucci  
Ronald Mucci

STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO ] ss.

On July 2, 2001, before me, Brenda C. Danziger, personally appeared Ronald Mucci personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Brenda C. Danziger  
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 16<sup>th</sup> day of August 2001.

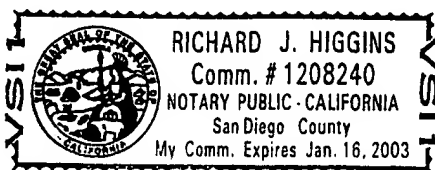
Gail D. Baura  
Gail D. Baura

STATE OF  
COUNTY OF ] ss.

On 8/16/01, before me, Richard J. Higgins, personally appeared Gail D. Baura personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Richard J. Higgins  
Notary Signature

COPY